

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

NAUTILUS INSURANCE COMPANY,

Plaintiff,

vs.

Richard Alexander Murdaugh, Sr., Cory  
Fleming, MOSS & KUHN, P.A., Chad  
Westendorf, and PALMETTO STATE BANK,

Defendants.

Civil Action No. 2:22-cv-1307-RMG

**DEFENDANT CORY H. FLEMING'S  
MOTION TO PERMIT DEFENDANT  
FLEMING TO WEAR CIVILIAN  
CLOTHING AT TRIAL**

Defendant, Cory H. Fleming ("Mr. Fleming"), by and through undersigned counsel, respectfully moves this Honorable Court for an Order permitting Mr. Fleming to wear civilian clothing during all court proceedings in this case, including but not limited to trial.

In support of this Motion, Mr. Fleming states as follows:

1. Mr. Fleming is currently in the custody of the United States Bureau of Prisons and the United States Marshals Service.
2. The presumption of innocence is a cornerstone of the American justice system. It is critical that Mr. Fleming be presented to the jury in a manner that does not prejudice his or her right to a fair trial.
3. Requiring Mr. Fleming to appear before the jury in prison attire undermines his credibility and creates a risk of implicit bias among jurors. Such prejudice has been recognized by the United States Supreme Court in *Estelle v. Williams*, 425 U.S. 501 (1976), wherein the Court held that compelling a defendant to stand trial in identifiable prison clothing violates the Due Process Clause of the Fourteenth Amendment.

4. Mr. Fleming's appearance in civilian clothing will have no adverse impact on courtroom security or the administration of justice. The undersigned counsel is prepared to coordinate with United States Marshal Service and the Charleston County Detention Center to ensure that civilian clothing is provided to Mr. Fleming prior to trial and that all logistical concerns are addressed.

WHEREFORE, Defendant Cory H. Fleming respectfully requests that this Honorable Court grant this Motion and enter an Order permitting Mr. Fleming to wear civilian clothing during all court proceedings in this matter.

Respectfully submitted,

/s/ Thomas A. Pendarvis

Thomas A. Pendarvis (Fed. Id. 5785)

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/s/ Christopher W. Lempesis, Jr.

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*Counsel for Defendant, Cory H. Fleming*

December 22, 2024

Beaufort, South Carolina